

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of PAYTON J. GINGRASS, Minor.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

KRISTEN STEPHENS,

Respondent-Appellant.

UNPUBLISHED

October 24, 2006

No. 269512

Delta Circuit Court

Family Division

LC No. 04-000097-NA

Before: Whitbeck, C.J., and Saad and Schuette, JJ.

MEMORANDUM.

Respondent-appellant Kristen Stephens appeals the trial court's order terminating her parental rights to the minor child.¹ We affirm. We decide this appeal without oral argument.²

The trial court did not clearly err in determining that the statutory grounds had been established by clear and convincing evidence.³ Stephens failed to demonstrate an ability to rectify her substance abuse and domestic violence issues or to provide the child with a safe and fit home because of her alcohol use and associations with individuals who posed a risk of harm to the child. It was likely that those conditions would not resolve in a reasonable period of time, especially considering that she did not engage in services consistently during the proceedings and, at the time of the termination trial, was residing out-of-state with her boyfriend, who had a history of assaultive behavior and alcohol use. Although the record revealed that Stephens experienced a brief period of compliance and progress, it was apparent that, during the last three

¹ MCL 712A.19b(3)(c) (i) (authorizing termination when conditions leading to adjudication continue to exist), (g) (authorizing termination for failure to provide proper care and custody), and (j) (authorizing termination when there is a reasonable likelihood of harm should the child return to the parent's home).

² MCR 7.214(E).

³ MCR 3.977(J); *In re Trejo*, 462 Mich 341, 355-356; 612 NW2d 407 (2000); *In re Jackson*, 199 Mich App 22, 25; 501 NW2d 182 (1993).

months of the proceedings, she had reverted to her problematic lifestyle. She stopped attending substance abuse counseling, anger management classes, and parenting classes. Stephens again began to consume alcohol, frequent bars, and associate with persons who used alcohol or drugs and had criminal histories. In addition, because she did not appear for the termination trial, there was no indication in the record concerning Stephens' employment status or the conditions of her home, or whether she had a custodial plan for the child.

We also find no clear error in the trial court's determination that the evidence failed to establish that termination of Stephens' parental rights was clearly not in the child's best interests.⁴ Although the evidence showed that the child and Stephens were bonded, Stephens had not resolved the problems that brought the child into the temporary custody of the court and would likely not be able to provide stability for the child, who was very young. Stephens' inaction in failing to engage in services, to maintain contact with her caseworker, or to attempt to visit or contact the child at the end of the proceedings also revealed that she would not likely make a meaningful effort towards reunification with the child if given more time to do so. Her failure to appear during the termination proceedings, despite clearly having notice of those proceedings, reinforces that conclusion.

Affirmed.

/s/ William C. Whitbeck
/s/ Henry William Saad
/s/ Bill Schuette

⁴ MCL 712A.19b(5); *Trejo*, *supra* at 354, 356-357.